

Expropriation of buildings and land

Abstract

The represented thesis aims to completely analyse the institute of expropriation of buildings and land as it is governed by the Expropriation Act. Expropriation as a traditional institute of Czech law is considered as the most severe interference with the property right and, as a result, the property right or right corresponding to the easement to the land or the building is deprived or limited.

The diploma thesis starts with a general treatise on expropriation, especially by including this institute in the Constitution and related property right and its protection. The basic legal acts governing expropriation are described. The definition of the term expropriation and the analysis of the objects and subjects of expropriation are also included in this part of the thesis.

The second chapter deals with the individual conditions of expropriation that must be cumulatively fulfilled in order to expropriate. The conditions under the Expropriation Act are, among others, the public interest in achieving the purpose of expropriation, subsidiarity and proportionality of expropriation, and compliance with the objectives and tasks of spatial planning. Another condition, which is the purpose of the expropriation stipulated by a special act, is the subject of the third chapter of the thesis dealing with the individual special acts and the expropriation purposes contained therein. The compensation for expropriation, which is a fundamental condition for expropriation, is subject of chapter five.

As expropriation may also affect the rights of third parties, the Expropriation Act also addresses this issue. Its analysis is contained in chapter four.

In view of the seriousness of the expropriation institute, the Expropriation Act contains a specific regulation of the administrative procedure, known as expropriation proceedings. In chapter six, the author of the thesis examines the course of the entire expropriation proceedings and its impacts. The following seventh chapter deals with the possibility of canceling expropriation by the expropriated person.

The last chapter contains an analysis of part seven of the Expropriation Act, which is hearing in court proceedings regarding expropriation, and assessment of the dual model of judicial review of individual verdicts on expropriation.

The conclusion of the thesis itself provides an assessment of the current legislation of the institute of expropriation and points to some deficiencies of this legislation.